



HENSON EFRON

September 16, 2013

VIA ECF

The Honorable Richard H. Kyle
Judge of U.S. District Court
772 Warren E. Burger Federal Building
316 North Robert Street
St. Paul, MN 55101

RE: Governor Jesse Ventura v. Chris Kyle
Civil No. 12-0472 (RHK/AJB)
Our File: V145-46700

Dear Judge Kyle:

Defendant Taya Kyle, in her capacity as Executor of the Estate of Chris Kyle, has moved to transfer venue of the above referenced matter to the Northern District of Texas, and has scheduled a hearing on her motion for 8:00 a.m. on Tuesday, September 24, 2013. By this letter, and pursuant to L.R. 7.1(c)(A)(ii) and (B), Plaintiff Jesse Ventura requests that the transfer motion hearing be continued to a date to be determined.

We took Ms. Kyle's deposition in Fort Worth, Texas, on September 11, 2013. A continuance is requested so that we may obtain a deposition transcript (which we are informed will not be available until late this week), move to compel Ms. Kyle to respond to all of the questions she either refused to answer or was instructed not to answer, and then complete her deposition and file portions of the transcript as a supplement to our memorandum opposing the transfer motion.

As will be more fully explained in our motion to compel, throughout her deposition, and in the absence of an instruction not to answer, Taya Kyle repeatedly refused to answer questions or to provide any basis or explanation for her refusal to respond. Instead, she just arbitrarily chose the questions to which she would respond, and declined to answer others.

In addition, Ms. Kyle's counsel repeatedly instructed her not to answer questions on the grounds of marital privilege when the answers were perceived to be unfavorable to her case, yet allowed her to respond when the answers were perceived to be favorable. We intend to show in our motion to compel that each and every one of the instructions were made for an

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improper purpose and to obstruct the discovery process.

Furthermore, and as grounds for her transfer motion, Ms. Kyle asserted that her duties as Executor of Chris Kyle's Estate, and personal and family issues, all prevent her from traveling to Minnesota for trial. After refusing to provide Interrogatory answers or to produce responsive documents, she was questioned about each of those topics in her deposition. We suggest that a transcript of her deposition responses -- to the extent she responded at all -- will aid the court in connection with its consideration of her motion.

Ms. Kyle's transfer motion is also overtly predicated on a plea for sympathy, including claims that Governor Ventura is seeking through this action to take money she intends to donate to charity and to otherwise cause her and her family economic harm. Ms. Kyle's responses to deposition questions on those topics -- both those she answered and those she did not -- are, therefore, directly relevant to her transfer motion.

For all of the foregoing reasons, and because Ms. Kyle should not be permitted to appear through counsel and argue that venue should be changed, while she is at the same time willfully disregarding this Court's rules, Governor Ventura requests that the September 24, 2013, hearing date on Defendant's Motion to Transfer Venue be stricken, and that the motion not be rescheduled until after Plaintiff's Motion to Compel Taya Kyle to respond to deposition questions has been filed, heard and decided, and she has fully complied with any such order.

Your Honor's consideration of this continuance request is appreciated.

Respectfully Submitted,

HENSON & EFRON, P.A.



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